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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ANDREW LUJAN,

11 Plaintiff,

12 v.

13 THE UNITED STATES OF AMERICA;
HNI CORPORATION dba THE HON
14 COMPANY; CAREER SYSTEMS
DEVELOPMENT, INC.; and DOES 1-10
Inclusive,

15 Defendants.
16

17 ULICO INSURANCE COMPANY
administered by GALLAGHER BASSETT
18 SERVICES, INC.,

19 Plaintiff-in-Intervention,

20 v.

21 THE UNITED STATES OF AMERICA;
HNI CORPORATION dba THE HON
22 COMPANY; CAREER SYSTEMS
DEVELOPMENT, INC.; and ROES 1-10
Inclusive,

23 Defendants-in-Intervention.
24

Case No. 06 cv 2770 - H (LSP)

**UNITED STATES OF AMERICA'S NOTICE
OF MOTION AND MOTION TO DISMISS
THE CLAIMS OF ANDREW LUJAN AND
ULICO INSURANCE, OR, ALTERNATIVELY
FOR SUMMARY JUDGMENT**

DATE: August 25, 2008
TIME: 10:30 A.M.
CTRM: 13
Hon. Marilyn Huff

ORAL ARGUMENT WAIVED

25 TO: PLAINTIFF, ANDREW LUJAN, AND HIS ATTORNEY OF RECORD, AND
26 PLAINTIFF-IN-INTERVENTION, ULICO INSURANCE COMPANY, AND ITS
ATTORNEY OF RECORD

27 PLEASE TAKE NOTICE that on August 25, 2008, at 10:30 a.m., or such other time and
28 date as the Court may designate, in the Courtroom of the Honorable Marilyn Huff, Defendant

1 United States of America will bring on its Motion to Dismiss the Claims of Andrew Lujan and
2 ULICO Insurance, or, Alternatively for Summary Judgment.

3 COMES NOW Defendant, United States of America, by and through its attorneys, Karen
4 P. Hewitt, United States Attorney, and Thomas B. Reeve, Jr., Assistant U.S. Attorney, and
5 moves this Court to dismiss the claims of Andrew Lujan and ULICO Insurance, or, alternatively
6 for summary judgment pursuant to Rules 12(h)(3) and 56 of the Federal Rules of Civil
7 Procedure. This motion is based upon the Memorandum of Points and Authorities In Support
8 of the United States of America's Motion to Dismiss the Claims of Andrew Lujan and ULICO
9 Insurance, or, Alternatively for Summary Judgment, with exhibits, filed herewith and upon
10 such other documentation as may be presented to the Court at or prior to the hearing.

11 WHEREFORE, Defendant prays that this Motion to Dismiss or Alternatively for Summary
12 Judgment be granted, for all costs of suit, and for such other and further relief as this Court
13 may deem just and proper.

14
15 July 18, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/ **Thomas B. Reeve, Jr.**
THOMAS B. REEVE, JR.
Assistant U.S. Attorney
Attorneys for United States of America